

EXHIBIT 3

Douglas Handshoe

From: Douglas Handshoe <earning04@gmail.com>
Sent: Thursday, February 08, 2018 9:02 AM
To: 'foodvacation Canada'
Subject: Deposition dates | Handshoe v Perret et al | 15cv382

Dear Mr. Leary:

In order to fully comply with local rules I again ask that you work with me to set a date within the next 20 days for you to appear to give your deposition and fulfill your responsibilities to produce the documents that I requested on January 4, 2018.

The Honorable Jeffrey O'Neal, Stone County Circuit Clerk has again agreed to let us use the first floor conference room to conduct the deposition. I would suggest the 26, 27 or 28th of this month as acceptable dates but I would be willing to set a date the week before (2/19/18 to 2/23/18) or the week after (3/5/18 to 3/9/18).

Please note there is no mechanism under Federal Rules that allow you to unilaterally refuse to submit to a deposition, especially as it relates to your counterclaims but also as well as my 512(f) claim. If you refuse to set a date or timely reply to this email I will file a Motion to Compel your appearance under Rule 37. Please note that under that rule the Court can strike the defenses, claims or both as sanction for uncooperative litigants. The court can also find an uncooperative litigant in Contempt of Court under that Rule, a concept that you should be well acquainted.

I appreciate your prompt response to this communication. Unlike my attempt to confer with you in December when I asked for an answer within 5 days, I can only give you until 12pm Central Time tomorrow, February 9, 2018 to respond so that the Court will have time to rule on the Motion to Compel before close of discovery. I thank you in advance for your cooperation.

Douglas Handshoe
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